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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re) Case No. 13-31608 HLB13
EMMANUEL PETER CUSCHIERI)
and ANGELICA SOLORZANO,,)
Debtors.)

)

**NOTICE AND OPPORTUNITY FOR HEARING
ON DEBTORS' MOTION TO VALUE THE LIEN
OF THE STATE BOARD OF EQUALIZATION AT
ZERO DOLLARS AND FOR AN ORDER
AUTHORIZING THE SALE OF PROPERTY
FREE AND CLEAR OF LIENS AND INTERESTS**

NOTICE IS HEREBY GIVEN that debtors have filed a motion to value at Zero Dollars the tax lien of the California State Board of Equalization encumbering real property commonly referred to as 1027 Henderson Avenue, Menlo Park, California (the "Property"). In addition, debtors are requesting entry of an order authorizing sale of the Property free and clear of liens and interests and for payment of real estate commissions and costs of sale incurred in said sale.

This Motion is made pursuant to:

- a) 11 U.S.C. §506(a) and Bankruptcy Rule 3012; and
- b) 11 U.S.C. §363(f)(2), (f)(3) (f)(4) and (f)(5) and Bankruptcy Rule 6004(c) .

A copy of the Motion is served herewith.

PLEASE TAKE FURTHER NOTICE: Debtors are requesting that the order approving the sale provide: "This Order is effective upon entry, and the automatic stay otherwise imposed by Rule 62a of the Federal Rules of Civil Procedure and/or Bankruptcy Rule 6004(h) shall not apply."

PLEASE TAKE FURTHER NOTICE: If an objection is not timely made, in accordance with applicable case law, failure to object can be deemed to constitute consent to the sale of the property free and clear of liens if the Court finds the notice to be adequate. FutureSource LLC v.Reuters Ltd., 312 F3d 281 (7th Circ. 2002).

5 **PLEASE TAKE FURTHER NOTICE:** Bankruptcy Local Rule 9014-1 of the United States
6 Bankruptcy Court for the Northern District of California prescribes the procedures to be followed. Any
7 objection to the requested relief, or a request for hearing on the matter, must be filed with the Clerk of
8 the Court and served upon the debtors within twenty one (21) days from the date of mailing of this
9 notice.

10 The Clerk of the Bankruptcy Court is located at 235 Pine Street, 19th Floor, San Francisco,
11 CA 94104

12 Any objection or request for hearing must be accompanied by any declarations and/or
13 memoranda of law the objecting or requesting party wishes to present in support of its position.

If an objection or a request for hearing is timely made, the debtors will schedule the hearing and will provide at least seven (7) days written notice of the hearing to the objecting or requesting party, to the United States Trustee and to the Chapter 13 Trustee.

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